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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,064	10/06/2000	Gordon Ian Rowlandson	39199-9511-00	2853
7590 07/31/2007 Joseph D Kuborn Andrus Scales Starke & Sawall Suite 1100 100 East Wisconsin Ave Milwaukee, WI 53202			EXAMINER LE, LINH GIANG	
			ART UNIT 3626	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/684,064

Applicant(s)

ROWLANDSON, GORDON IAN

Examiner

Michelle Linh-Giang Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-29 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 061107.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to Remarks filed 30 March 2007. Claims 1-4, 6-29, and 31 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Selvester (6,230,048) in view of Selker (5,277,188).
4. As per claim 1, Selvester teaches a method of providing real-time decision support in the review of physiological data (Selvester; Abstract), the method comprising:
 - establishing a library of interpreted physiological data records (Selvester; Col. 2, lines 13-25);
 - gathering the physiological data (Selvester; Col. 3, lines 19-21);
 - correlating the separate interpretation to one or more of the physiological data records in the library of physiological data records (Selvester; Col. 15, lines 14-21);

Selvester does not expressly teach:

interpreting the physiological data based on a predetermined set of criteria such that a separate interpretation is generated, wherein the interpreting step includes:

measuring the physiological data;

analyzing a set of characteristics associated with the physiological data;

extracting one or more patterns from the physiological data to generate the separate interpretation; and

comparing the separate interpretation from the physiological data to a set of known patterns.

However, these features are well known in the art as evidenced by Selker. In particular, Selker teaches the ECG waveform being processed by a waveform analyzer which identifies and quantifies important characteristics and features (Selker; Col. 3, line 65 to Col. 4, line 15). Selker further teaches the output of the waveform analyzer passed on to a predictive instrument (Selker; Col. 4, line 10-15). Examiner interprets the “output of the waveform analyzer” to be a “separate interpretation.” Examiner also interprets the “predictive instrument” to read on the step of comparing the separate interpretation to a set of known patterns. It would have been obvious to add these features to the Selvester teachings with the motivation of improving the quality and speed of physicians’ emergency care of patients and assist physicians’ emergency decision making (Selker; Col. 1, lines 62-65).

Selvester does not expressly teach displaying the separate interpretation and the correlated physiological data records on a display. However, this feature is well known in the art as evidenced by Selker. In particular, Selker Fig. 1 teaches the output of the "waveform analyzer" eventually going to the "output device." Examiner respectfully submits that the "output device" reads on a "display." It would have been obvious to add these features to the Selvester teachings with the motivation of improving the quality and speed of physicians' emergency care of patients and assist physicians' emergency decision making (Selker; Col. 1, lines 62-65).

5. As per claim 2, Selvester teaches a method as claimed in claim 1, further comprising:

establishing a communications link to an expert location (Selvester; Col. 3, lines 16-34);

transmitting information concerning the interpretation to the expert location (Selvester; Col. 3, lines 16-34);

and displaying a communication from the expert location on the display (Selvester; Col. 3, lines 16-34).

6. As per claim 3, Selvester teaches a method as claimed in claim 2, wherein transmitting information concerning the interpretation includes transmitting a text message (Selvester; Col. 4, lines 42-48). Examiner interprets "written report" as a form of "text message."

7. As per claim 4, Selvester teaches a method as claimed in claim 2, wherein transmitting information concerning the interpretation includes transmitting a voice message (Selvester; Col. 4, lines 42-48). Examiner interprets a "voice message" to be an "appropriate alarm signal."

8. As per claim 6, Selvester teaches a method as claimed in claim 1, further comprising determining whether the one or more extracted patterns match one or more patterns in the set of known patterns (Selvester; Col. 16, lines 14-26).

9. As per claim 7, Selvester teaches a method as claimed in claim 1, further comprising:

creating a library of education materials (Selvester; Col. 2, lines 16-25); and
displaying a predetermined portion of the education materials on the display (Selvester; Col. 20, lines 49-57).

10. As per claim 8, Selvester teaches further comprising displaying a message based on the interpretation on the display (Selvester; Col. 2, lines 42-48).

11. As per claim 9, Selvester teaches a method as claimed in claim 1, further comprising displaying the physiological data on the display (Selvester; Col. 3, lines 24-34).

12. Claims 10 and 11 repeat the limitations of claim 1 and the reasons for rejection are incorporated herein.

13. Claim 12 repeats the limitations of claim 2 and the reasons for rejection are incorporated herein.

14. As per claim 13, Selvester teaches wherein the expert location is a portal (Selvester; Col. 10, lines 51-54).

15. As per claim 14, Selvester teaches wherein the acquisition device includes an information filter (Selvester; lines 48-53).

16. As per claim 15, Selvester teaches wherein the acquisition device includes a communication module capable of transmitting messages to and receiving messages from the expert location (Col. 4, lines 42-48).

17. Claims 16 and 17 repeat limitations of claims 3 and 4 and the reasons for rejection are incorporated herein.

18. As per claim 18, Selvester teaches further comprising a server coupled to the acquisition device, and wherein the library of physiological records is located on the server (Selvester; Col. 8, lines 25-50).

19. Claim 19 repeats the limitations of claim 7 and the reasons for rejection are incorporated herein.

20. As per claims 20 and 21, Selvester teaches:
Wherein the library of physiological data includes ECG data (Selvester; Col. 2, lines 27-35);
Wherein the acquisition device is an ECG acquisition device (Selvester; Col. 1, lines 14-25).

21. As per claim 22, Selvester teaches wherein the acquisition device includes a browser (Selvester; Col. 6, lines 48-52).

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22. Claim 23 repeats the limitations of claim 3 and the reasons for rejection are incorporated herein.

23. As per claim 24, Selvester teaches wherein the acquisition module includes a confirmation module to confirm the integrity of the physiological data (Selvester; Col. 6, lines 52-56).

24. Claim 25 repeats the limitations of claims 1 and 24 and the reasons for rejection are incorporated herein.

25. Claim 26 repeats the limitations of claim 20 and the reasons for rejection are incorporated herein.

26. Claim 27 repeats the limitations of claim 2 and the reasons for rejection are incorporated herein.

27. Claims 28 and 29 repeat the limitations of claims 3 and 4 and the reasons for rejection are incorporated herein.

28. Claim 31 repeats the limitations of claims 7 and 19 and the reasons for rejection are incorporated herein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Linh-Giang Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-3600. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LLe



C. LUKE GILLIGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600